

REMARKS

The specification and drawings have been amended to make editorial changes therein to place the application in condition for allowance at the time of the next Official Action.

Claims 6-8 were rejected as unpatentable over JP 11-112416 and claims 1-5 were rejected as unpatentable over JP 11-112416 in view of KONG et al. 2003/0128674 A1. Reconsideration and withdrawal of the rejections are respectfully requested.

The Official Action does not include a translation of JP 11-112416. U.S. Patent 6,389,296 to SHIRAKI et al. claims priority from this reference (note the Japanese application number). Applicant relies on SHIRAKI et al. when traversing the rejections. If JP 11-112416 is different from SHIRAKI et al., the Examiner is requested to provide a translation of JP 11-112416 so that the differences can be considered. SHIRAKI et al. 6,389,296 was made of record in the Information Disclosure Statement filed on November 5, 2003.

The claims in the present application are directed to a radio system with a mobile terminal that transmits a data signal to a base station on a first reverse channel and on a second reverse channel. These channels are described in the specification as the fundamental and supplemental channels and are found in IS-95B systems (page 2). The transmission control unit in the mobile terminal monitors whether transmission power

exceeds a predetermined maximum and transmits the data signal only through the first reverse channel when the transmission power reaches the maximum value for predetermined period of time (as indicated by receipt a particular power control signal as in claim 1, or by detection of the maximum value as in claim 6). Further, the claims provide that the one channel is the channel that is for existing traffic (i.e., the fundamental channel) and is not the channel added for data communication (i.e., the supplemental channel).

Thus, the claims define a system where two-channel transmission from the mobile station is reduced to one-channel transmission and where the one channel is not chosen arbitrarily.

SHIRAKI et al. describe an improvement to a system in which the mobile station uses one channel. This is similar to the IS-95A system discussed in the present application (page 1). SHIRAKI et al. note that the rate of increase or decrease in transmission power (the step size) is constant. This constant rate may not be sufficient to keep up with a rapidly changing situation where transmission power must be increased at a pace faster than allowed by the constant rate. Accordingly, SHIRAKI et al. propose an improvement where the step size is modified based on the receipt of consecutive power control signals that are the same or on the receipt of consecutive power control signals that are different. The step size is increased upon

receipt of consecutive power control signals that are the same and is decreased upon receipt of consecutive power control signals that are different (column 2, lines 17-53; column 4, lines 19-47). However, SHIRAKI et al. offer no suggestion to modify the number of channels on which the mobile station transmits (their system only uses one channel) and do not offer a suggestion for which one of the plural channels is to be selected when the number of channels is to be reduced.

The Official Action states that JP '416 discloses a mobile terminal that transmits on first and second reverse channels. Based on the description in SHIRAKI et al., this statement is not believed to be correct. The Examiner is requested to provide a translation of the reference in support of this statement if the rejection is repeated.

KONG et al. has been carefully considered and this reference also fails to suggest modifying the number of channels on which the mobile station transmits and do not offer a suggestion for which one of the plural channels is to be selected when the number of channels is to be reduced. This reference relates to a forward channel transmitter (a base station) that uses plural encoders.

Accordingly, there is no suggestion in the combination of references to provide the transmission control units in claims 1 and 6, and these claims avoid the rejection under §103.

Further, there is not believed to be any motivation, suggestion, reason, or teaching in the applied references to modify the number of channels on which the mobile station transmits or to select a particular one of the plural channels when the number of channels is to be reduced. Indeed, the references do not disclose or suggest reducing the number of channels at all and thus this feature is missing from the art.

New claim 9 has been added that also believed to be allowable. The references alone or in combination do not suggest a mobile station transmitting a data signal on the first reverse channel and on the second reverse channel, where the mobile station has a transmission control unit that monitors whether the transmission power is at a maximum level and that transmits the data signal only on the first reverse channel when the transmission power has been at the maximum level for a predetermined number of power control signals.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

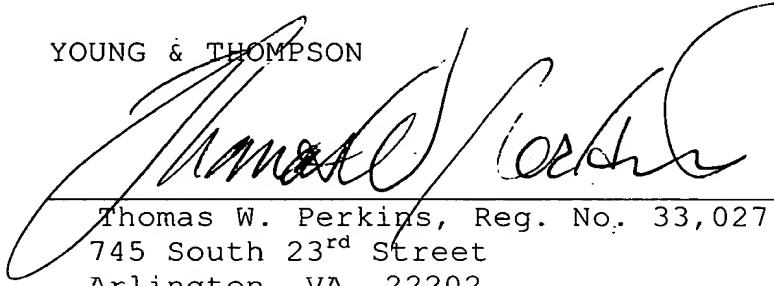
Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Application No. 09/774,635  
Amdt. dated December 15, 2003  
Reply to Office Action of October 3, 2003  
Docket No. 8040-1032

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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